

## REMARKS

Claims in the case are 16, 19-21, 30 and 31, upon entry of this amendment. Claims 16 and 19 have been amended, Claim 31 has been added, and Claims 17 and 18 have been cancelled without prejudice herein.

Claims 1-14 were previously cancelled without prejudice in a Preliminary Amendment dated 16 December 2003. Claims 15 and 22-29 were previously cancelled without prejudice in an Amendment dated 23 June 2005.

Basis for added Claim 31 is found in Claims 16 and 30, as it is a combination thereof.

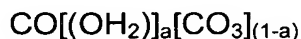
Basis for the first wherein clause of present Claim 16 is found at page 3, lines 7-12 of the specification. Basis for the second or further wherein clause of present Claim 16 is found at: page 4, lines 6-10; Examples 5 and 6 at pages 10-11; Figures 4 and 5 (for Example 5); and Figures 1 and 6 (for Example 6) of the specification.

Basis for the amendments to Claim 19 are found at page 3, lines 7-12, and page 4, lines 23-24 of the specification.

Claims 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over SU 548,570 A (**SU '570**). This rejection is respectfully traversed with regard to the following remarks.

SU '570 discloses the preparation of cobalt protoxide hydrate by reacting cobalt carbonate with aqueous sodium hydroxide. See the English language Derwent abstract (Derwent Acc No. 1977-86019Y) of SU '570, that was previously provided to the Office in an Information Disclosure Statement filed concurrently with the patent application.

SU '570 does not disclose, teach or suggest a process of preparing agglomerated cobalt(II) hydroxide that makes use of agglomerated cobalt(II) carbonate that is formed by agglomerating fine primary particles represented by the following formula,



in which  $0.1 \leq a \leq 0.9$ , and in which the agglomerated cobalt(II) carbonate has a spheroidal secondary structure and an average agglomerate diameter of 3  $\mu\text{m}$  to 50  $\mu\text{m}$ . In addition, SU '570 does not disclose, teach or suggest a process of preparing agglomerated cobalt(II) hydroxide in which the agglomerated cobalt(II) hydroxide has: (i) a spheroidal secondary structure that is substantially the same as

the secondary spheroidal structure of the agglomerated cobalt(II) carbonate; and (ii) an average agglomerate diameter of 3  $\mu\text{m}$  to 50  $\mu\text{m}$ .

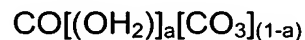
In light of the amendments herein and the preceding remarks, Applicants' Claims are deemed to be unobvious and patentable over SU '570. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over SU '570, and further in view of JP 90-168385 (**JP '385**). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

SU '570 has been discussed previously herein and discloses the preparation of cobalt protoxide hydrate by reacting cobalt carbonate with aqueous sodium hydroxide.

JP '385 discloses a process that involves forming cobalt hydroxide and separating, dewatering and roasting the cobalt hydroxide to form cobalt oxide. See the English language abstract previously provided to the Office in an Information Disclosure Statement filed concurrently with the patent application.

SU '570 and JP '385, either alone or in combination, do not disclose, teach or suggest a process of preparing agglomerated cobalt(II) hydroxide that makes use of agglomerated cobalt(II) carbonate that is formed by agglomerating fine primary particles represented by the following formula,



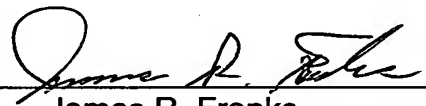
in which  $0.1 \leq a \leq 0.9$ , and in which the agglomerated cobalt(II) carbonate has a spheroidal secondary structure and an average agglomerate diameter of 3  $\mu\text{m}$  to 50  $\mu\text{m}$ . In addition, SU '570 and JP '385, either alone or in combination, do not disclose, teach or suggest a process of preparing agglomerated cobalt(II) hydroxide in which the agglomerated cobalt(II) hydroxide has: (i) a spheroidal secondary structure that is substantially the same as the secondary spheroidal structure of the agglomerated cobalt(II) carbonate; and (ii) an average agglomerate diameter of 3  $\mu\text{m}$  to 50  $\mu\text{m}$ .

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over SU '570, and further in view of JP '385. Reconsideration and withdrawal of the present rejection is respectfully requested.

Applicants note that Claim 30 stands objected to (as indicated under Item-7 on the Office Action Summary page). It is further noted that Claim 30 does not stand rejected as being indefinite, obvious or anticipated in the Office Action of 30 August 2005. While the Office Action of 30 August 2005 does not explicitly state as such, it appears that Claim 30 stands objected to for being dependent on a rejected base claim (i.e., Claim 16), and would be allowable if amended to include the subject matter of the base claim and any intervening claims. As discussed previously herein, added Claim 31 represents a combination of Claims 16 and 30. As such, added Claim 31 is also deemed to be in condition for allowance.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By   
James R. Franks  
Attorney for Applicants  
Reg. No. 42,552

Bayer MaterialScience LLC  
100 Bayer Road  
Pittsburgh, Pennsylvania 15205-9741  
(412) 777-3808  
FACSIMILE PHONE NUMBER:  
(412) 777-3902

f:\shared\kpl\jrf214.ame